MRS. W. E. D. STOKES ASKS FOR A DECREE ABSOLUTE. For Two Years Gossips Have Been Saying That the Suit Was Coming-Both Parties Well-Known Figures-Mrs. Stokes's Stock

Farm and Horses She Is a Catholic. Mrs. Rita Hernandez de Alba Stokes has brought suit for divorce from her husband. deference to the feeling on the part of the com-William Earl Dodge Stokes, charging him mittee having the matter in charge that th with adultery. On motion of Sherrill & Lockwood, attorneys for Mrs. Stokes, Justice Fitz- not be made safe against the contingency of a gerald on Tuesday afternoon appointed Will- panic. The Central Committee appreciated iam N. Cohen to hear the evidence and report his findings to the court. The request for the appointment of a referee was concurred in by | Sex, and after due consideration decided that a Mr. Stokes's attorney. Henry B. B. Stapler. | change of place would be necessary. The order appointing the referee reads:

Ordered, that this action and the issues herein, be and the same are hereby referred to | Madison avenue, yesterday afternoon, and after hear and determine, and that he report the evidence, and the other proceedings upon the reference to the court, with his opinion, with all convenient speed."

With the order and the stipulation of the attorneys agreeing to the appointment of the referee, the following affidavit was filed: William S. Woodhull being duly sworn, de-

poses and says: (1) That he is the managing clerk in the office of Sherrill & Lockwood, attorneys for the plaintiff herein; (2) that this action for divorce is brought on account on the adultery of the defendant; (3) that the summons and complaint were duly personally served on the defendant within this State on the 13th day of March, 1900, as appears by the amdavit of James D. Conklin; (4) that issue was joined herein on the 24th day of March, 1900, by the service of the defendant's answer; 5 that no other previous application for a reference in this case has been made to any court or Judge, and that application for a reference is made upon the annexed stipulations made by and between the attorneys for the parties herein, dated 2d day of April.

The attorneys on both sides refused absolutely to talk about the case, but it is stated that the defendant put in a general denial, and alleged, in addition, that his wife has treated him with indifference for some months past, and that she was loving and affectionate until he was obliged to restrict her expenditures on account of her extravagance.

It has been reported at intervals for the past two years that Mrs. Stokes had sued or was about to sue her husband for a separation, but not until the affidavit printed above was made.

James J. Higginson. alleged, in addition, that his wife has treated

wife complained of her husband's temper as erratic; also that quarrels had arisen because her husband thought she was too extravagant ! ,

as a matter of fact, all, and Mrs. Stokes nave not lived together for any great length of time since early last summer. Mrs. Stokes and her chid, a boy 3 years old, are now at the Plaza They have never moved into the new house Mr. Stokes has built at 4 East Fitty-fourth

lirs. Stokes is the eldest daughter of Ricardo de Acosta, a sugar planter and general exporter and importer at 6 Old Slip, living at 48 West Forty-seventh street. The Acosta family is a distinguished one in Cuban history, but Ricardo de Acosta has lived in New York for the past thirty years and all his children were born and educated here. Bits de Acosta was married to Mr. Stokes at the home of her parents on Jan. 3, 1835. Archbishop Corrigan performed the ceremony, assisted by Fathers Lavelle and Newey.

Mrs. Stokes's father said yesterday:

"It was not until I saw the afternoon papers that I knew my daughter was seeking a divorce from her husband. She consulted neither her mother nor me about it. But that is not so remarkable as it would possibly

is not so remarkable as it would possibly seem. Mrs. Stokes is very self-rellant. She is a devoted mother and a good Catholic. You know, of course, that our Church does not recognize divorce, and if my daughter has peti-tioned the courts to divorce her from her hus-band, she must have the strongest possible reasons for taking the step. Had she not had reasons for taking the step. Find she not had these reasons I am sure she would have never instituted the suit."

de Acosta he was 35 and she a little over 19.
She had not been introduced in society. When
their engagement was announced the story
was told that Mr. Stokes was passing the studio
of a Fifth avenue photographer one day and
was attracted by the photograph of a young
woman displayed at the door, inquired the
name of the original, sought an introduction,
proposed and, in due time, was accepted.
After their marriage Mr. and Mrs. Stokes
went to live in a bouse Mr. Stokes had caused
to be fitted up for his bride at 292 West
Seventy-second street. Mr. Stokes had anyse
been fond of fast trotting horses and Mrs.
Stokes developed even a greater enthusiasm for
trotters than her husband. To please his wife,
Mr. Stokes began getting together a stable of
frotters. In October, following their marriage. been lond of last trotting horses and Mrs. Stokes developed even a greater enthusiasm for trotters than her husband. To please his wife. Mr. Stokes began getting tegether a stable of frotters. In October, following their marriage, Mrs. Stokes was 20 years old, and as a birthday git her husband presented to her the celebrated trotting mare beuzetta, 22033, for which he paid something more than \$16,000. After that Mr. Stokes bought a stock farm near Lexington, Ky., which he gave to his wife, who named it the Patchen Wikkes farm. This farm became the home of such well-known horses as the following: Miss Rita, 2:003, the pacer by J. J. Audubon, 2:19; Angle D. another pacer, with a record of 2:07; Josie B., pacer, 2:154, and the trotting stallions, J. J. Audubon and Aleyone, Jr., 2:15. At the Kentucky Breeders meeting of 1897, Josie B. and Miss Rita paced a mile in 2:124, the fastest ever made to pole up to that time by either pacer or trotter. A handsome silver trophy was presented to Mrs. Stokes by the Kentucky Breeders' Association in commemoration of this performance.

by either pacer or trotter. A handsome silver trophy was presented to Mrs. Stokes by the Kentucky Brueders' Association in commemoration of this certormance.

On Nov. 14, 1826, the stock farm was burned.
Josie B., the mate of Miss Rita, was destroyed, as were eight other unnamed colts and filles. Orders were immediately given to rebuild the barn of brick, the structure to be as complete in detail as money could make it. The new stable was completed in the fall of 1897 at a cost of \$10,000 and was formally opened by Mrs. Stokes on Oct. 2, 1897, with what she called a "coon party." She and a party of friends went down from New York and the negroes of her own place and those from all the nearby farms to the number of about four hundred were bidden to the festivities.

Both Mr. and Mrs. Stokes took a great interest in the importation of the Orioff trotting stock from Russia. In 1895 the Grand Duke Dimitry of Russia presented to Mr. Stokes a blooded trotting horse and an equally high-class running horse. On Jan. 5, 1897, Mr. Stokes received an appointment as Russian Government Correspondent of Horses and Breeding, with rank, uniform and official entrée and permission to wear his uniform on official eccasions in America.

Mrs. Stokes's trotters were entered in her name at the circuit meetings, but she took no active part in directing the affairs of the stable. The supposition has been among horsemen that the horse were entered in her name at the circuit meetings, but she took no active part in directing the affairs of the stable. The supposition has been among horsemen that the horse were entered in her name at the circuit meetings, but she took no active part in directing the affairs of the stable. The supposition has been among horsemen that the horse were entered in her name by her husband to please her, but that he remained the actival owner of the stable and received his conditions of the fire until, when the walls of the hotel threatened to fall, citizens dashed upstairs to inform the blates of their danger. In

IMPROVEMENT IN VENEZUELA.

Government Baises Funds and Expects Soon to Crush the Last of the Rebellion. Mail advices received from Venezuela yes-General to this city, are to the effect that the Government has been enabled to supply sufficient money for the budget without a foreign

ioan.

The only place which Gep. Hernandez's rebel army still holds is Cludad de Bolivar. Because of the fever in the forests of Guiana, where the Revolutionists are hidden, the unaccimated Government troops have been replaced with 1,500 immune soldiers, who are expected to soon suppress the last of the rebellion.

Sixty Junk Dealers in Trouble

Sixty Jersey City junk dealers were arraigned before Police Justice Nevin yesterday, charged with neglecting to keep two sets of books and making a legal record of their transactions. All pleaded ignorance of the law. They were gned \$1.

CUBAN ORPHAN FAIR WILL MOVE. GAYNORS ARE DISCHARGED To Be Held in the Metropolitan Opera

House, Not the 71st's Armory. Complete changes were made vesterday in the plans for the Cuban Orphan Fair. Instead of being held at the Seventy-first Regiment Armory for two weeks, as had been intended, it will be held at the Metropolitan Opera House for one week, the opening date being unchanged, April 16. This change was made in armory, because of its madequate exits, could the force of the Hon, Joel B. Erhardt's caution to that effect already reported in THE The Central Committee held a meeting at the

William N. Cohen, Esq., of New York city to a discussion of the matter, in which the suggestion was made and rejected that temporary stairways should be built from the east windows of the armory building to the street, the toilowing statement was prepared:

To the Public: It has been brought to the attention of the Central Committee in charge of the Cuban Orphan Fair that the exits in the armory of the Seventy-farst Regiment are inadequate in the event of manie, and although they leel that the probability of such an occurrence is remote and that under ordinary conditions the building is perfectly safe, still they desire that no receive of many one attending the festival, and they have consequently decided to have it take place instead in the Metropolitan Opera, House during the week commencing April 16.

They wish to express publicly their deep appreciation of the unvarying courtesy and kind-reserved. tion was made and rejected that temporary

preciation of the unvarying courtesy and kind-ness of Col. Bates, his officers and every one connected with the Seventy-first Regiment. connected with the Seventy-Irst Regiment, whose encouragement and enthusiasm in aiding the festival have been constant ever since the project was first set on foot.

They regret sincerely having to leave the Armery, but feeling that the public should have every protection at their hands, they have decided to make the move rather than have any possibility of danger in the mind of any one.

The expenses of the festival will be largely The expenses of the festival will be largely increased in consequence of the change of place, and it can last for only one week instead of two as originally projected, owing to the engagements already made for the Opera House during the week beginning April 23; but they arpeal confidently to the public to raily to their

about to sue her husband for a separation, but not until the affidavit printed above was made public was there even gossip to the effect that the charge of adultery would be made. The most frequently repeated tale was that the most frequently repeated tale was that the solutions of her husband's temper as

The booth structures which have been put together for use in the armory can most of them he used in the Opera House, but the entire floor plan must be remodeled. There is a concert in the Opera House on the Sunday, evening preceding the opening of the fair and to get the floor down and the booths up will invoive a tremendous amount of hard and speedy work, but the Opera House carpenter, the heavest controlled to the formal to the controlled to t Mr. Stokes has built at 4 East Fitty-fourth street.

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GARDINER HEARING GOES OFER. Grand Jury Presentment Formally Included

instituted the suit."
A Catholic once validly married who obtains a divorce cannot remarry and remain in the Church.
W. E. D. Stokes is the son of James, the son of Thomas, who came to this country in 1798, James, who was of the firm of Phelps, Dodge & Co., importers of metals, left a large fortune to his children, of whom there were seven. W. E. D. Stokes is a lawyer in the real estate business. He is a brother of Anson Phelps Stokes and a cousin of E. S. Stokes, with whom he has had much litigation. He is a graduate of Yule and a member of a dozen clubs.
When Mr. Stokes was married to Miss de Acosta he was 35 and she a little over 19. She had not been introduced in society. When with the Governor, and he was half there before he read in a newspaper that the telegram had never been sent. In opening the proceedings yesterday Mr. Wilcox said that he wanted to know right away on what basis the inquiry should proceed.

Mr. Untermyer said that the reason the telegram was not sent was that everything it was hoped to accomplish by the telegram was secured to the respondent by the Commissioner's

cured to the respondent by the Commissioner's own decision, allowing the proceedings of the March Grand Jury, in so far as they concerned Col. Gardiner, to be inquired into.

Mr. Wilcox said that Mr. Untermyer's explanation seemed to clear matters up, but that nevertheless a faise impression had been given by the telegram. He added that he would prepare a stipulation which he would ask Mr. Untermyer to sign, agreeing to the inclusion of the presentment in the charges against Col. Gardiner. Mr. Untermyer interposed no objection to this. This is the supplemental specification admitted:

Under the charge "demonstrated unfitness for office."

The proceedings in open court on March 15, 1900, when the Grand Jury of the county of New York applied to the court for instructions in regard to the relative rights of the District Attorney and the Grand Jury:
The presentment of the March, 1900, Grand Jury of the county of New York filed with the court on March 30, 1900.

Mr. Wilcox then said that a great deal of time was being wasted in the investigation, and that he wanted the matter expedited. The witnesses to be examined to-day will probably include Recorder Goff and perhaps the Rev. Dr. Slicer.

COFFEY WANTS TO GET BACK. Seeks to Regain His Political Standing

Through the Courts.

Argument was held yesterday before Supreme Court Justice Maddox in Brooklyn on the application of Senator Michael J. Coffey for a peremptory writ of mandamus compelling the Democratic General Committee to restore him to membership in that body. Isaac M. Kapper, counsel for Senator Coffey, contended that his expulsion was a violation of his rights under the Primary Election law and of the rules of the organization. There was no way. Mr. Kapper held, to deprive Senator Coffey of his membership except by the votes of his conhis membership except by the votes of his constituents at the next regular primary.

Charles J. Patterson, who appeared for the committee, said it was absurd to suppose the law meant that a member could be excluded for failure to pay \$15, when he couldn't be excluded for a graver offence. If this were the case a member could violate his fealty to the committee and defy its rules and regulations, and the committee would be powerless to preserve order and restrain offenders. Mr. Patterson argued that the General Committee was not subject to the order of the court and that even a mandamus could not hold to compel it to meet. Justice Maddox reserved his to meet. Justice Maddox reserved his

BHERE IS HANNAH SEIGLEY?

Been Home Three Nights in 20 Years.

WILKES BARRE, Pa., April 4 .- The police are looking for eighteen-year old Hannah Seigley who disappeared yesterday, and for her father Jacob Seigley, who it is suspected is holding her a prisoner somewhere in this city. The terday by Col. Elias Gonzalez Estevez, Consul- girl's parents were divorced on Monday and yesterday afternoon, while the girl was on the way from her home to the office of her mother's lawyer, she vanished. The mother after searching for a couple of hours asked the ald of the police and they have been at work but off the case till this morning. since, but as yet they have obtained no clue beyond the fact that the girl was seen talking beyond the fact that the girl was seen talking with her father soon after she left the house. The father has been endeavoring for some time to get the girl to go with him, but she would not leave her mother. The police supposition is that the father got her to accompany him to some house in the city on some excuse and that he is holding her there in the hore that she will agree to go away with him. In the mother's testimony in the divorce case she swore that though they had been married since 1879 her husband had been at home only three nights in all that time.

CAN'T BE REMOVED TO GEORGIA

ON AN INDICIMENT ONLY. So It Was in the Dana Case and Such Is the Law - Evidence Showing Probable Cause for Removal to a Distant Jurisdic

tion Prerequisite-"Virtual Abduction." Judge Brown handed down in the United States District Court yesterday a decision refusing to grant an order of removal to Georgia of Benjamin D. Greene, John F. Gaynor, Wil lam T. Gaynor and Edward H. Gaynor for trial on the charge of conspiracy against the Government in the contract work on the improvement of Savannah harbor and Cumberland Sound. This is the case in which Capt. O. M. Carter was condemned by a court martial. Judge Brown's decision not only sets the defendants free, but incidentally may be conuse of the Hon. Cornelius N. Bliss, 198 sidered as an answer to the special presentment made by the Georgia Grand Jury complaining of the delay in having the defendants brought within the jurisdiction where the indictrient was found. This presentment, published in THE SUN yesterday morning declared that section 1014 of the Revised Statutes had been taken advantage of to prevent the removal of the detendants and that there was danger that because of the delay the parties charged by a Grand Jury of the United States with the most gigantic fraud of the century against the Government will escape even arraignment before the bar of justice because of

the statute of limitations.

Judge Brown in his decision says that the purpose of section 1014 is to preserve the rights of the citizen as guarded by State laws and to prevent his removal 1,000 miles from home by mere indictment. Although the stenographer's notes of the

proceedings for removal before Commissioner Shields fill 1.100 pages, the only evidence they contain of the defendants guit, the Judge says, is a certified copy of the Georgia indictment. This indictment is only evidence, in no way conclusive and, in truth, but secondary way conclusive and, in truth, but secondary evidence. It may be accepted as an affidavit, but must be treated as any other affidavit. The Commissioner considered the indict-ment an evidence sufficient to warrant the orment an evidence sufficient to warrant the or-der of removal to Georgia for trial and ruled out evidence offered by the defendants on the ground that to admit it would be "trying the issue," which, he considered, he had nothing to do with. But in New York the right of the accused to produce witnesses in their own be-half before committing Magistrates was con-firmed by express statute more than seventy years ago and more than forty years before the enactment of section 1014 of the United States statutes.

years ago and more than forty years before the enactment of section 1014 of the United States statutes.

"By singular inversion," says Judge Brown, "however, the best reason for the admission of the defendants' proposed evidence, namely, its tendency to show innocence of the charge and lack of probable cause, was in this instance made the reason of excluding it. Precisely opposite was the ruling of this court in the Dana case, where it was shown, as I have said, that by section 1014 (the sole authority in the Federal Court for the commitment or removal in such cases) the proceeding before commissioners must be in conformity with the existing State procedure."

sioners must be in conformity with the existing State procedure.

The existence of an indictment in another jurisdiction, Judge Brown says, has no bearing upon the application of the statute to proceedings for commitment, or to the course of the examination where an examination is demanded pursuant to the statute nor upon the Commissioner's duty to take whatever competent evidence is affered by the defendant tending to show the want of probable cause for issuing a warrant of removal; and for that purpose, and to that extent, the proceeding is, of necessity, like the proceedings before the State Magistrates, a partial preliminary hearing on the merits.

necessity. Ike the proceedings before the State Magistrates, a partial preliminary hearing on the merits.

The objection, continues the decision, to "trying the issue" was premature. There could be no issue as respects the indictment until the defendants had been committed, removed and arraigned and had pleaded not guilty. The only issue before the Commissioner was to ascertain whether there was sufficient ground to commit and remove the defendants and oblige them to stand trial, "The indictment in the present case," says Judge Brown, "shows that it was drawn and designed as a pleading only and not as a statement of facts from which a judicia finding of probable guilt might reasonably be drawn. There is no allegation anywhere in the indictment that the work and materials supplied and the bills presented were not strictly according to contract, that all prices claimed or allowed were exorbitant, that no proper work was passed, or improper substitutions made nor are any facts stated showing actual fraud or that the Government has been defrauded of a dollar. Even if no fuller statement on these points is essential as a matter of pleading it is indispensable as evidence of probable cause of guilt, that some such actual fraud in the overt acts should be shown on the hearing, or upon the trial, in order to prove that these acts were in truth in pursuance of the alleged conspiracy, and were not done in an honest fulliment of the contracts referred to, as the defendants had a right to do within the locus penitentiae which the statute allows. "I know nothing of the probable guilt or innocence of the accused except that which is hefore me on the record. Considerable evidence that was offered and which, under the law, should have been received, indicates innocence, so far as it goes. Opposed to this is the Goorgia indictment alone, barren of any statement of facts or circumstances. To order the removal would be an illegal act and scarcely distinguishable from virtual abduction under forms of law.

"Defendants discharged w

SEEN SETTING A TENEMENT AFIRE.

Firebug Recognized as a Revengeful Husband-He Says It's a Mistake.

An attempt was made to set fire to the fivestory tenement house at 1212 First avenue shortly before midnight on Tuesday and Bernard Cunningham, a bricklayer, was arrested yesterday morning on suspicion of being the incendiary. He was held in the Yorkville police court for examination to-morrow on a charge of attempted arson.

Stephen Sopchseck and his wife Annie, who live on the second floor of the tenement, returning home late on Tuesday night, bumped nto some one in the dark hallway on the ground floor. The person did not speak. Sopehseck passed on upstairs, but his wife was suspicious. Taking a lighted lamp from her room she went out into the hallway with her husband and toth looked over the railing. In the lamplight they saw a man bending over a small blaze on the hall mat, a bottle in his hand. Sopehseck sung out to him, asking what he was doing. The man looked up and the lamplight fell on his face. He answered that he was looking for some money he had dropped and then ran out of the house. Sopehseck hastened to the hall below, extinguished the fire and then called in the nearest policeman. When detectives investigated they lound a quart bottle half filled with kerosene in the hall. Kerosene had been sprinkled on the mat, the stairs and on the woodwork.

Sopehseck and his wife declared that they had recognized the man in the hall as Bernard Cunningham, the son-in-law of Mrs. Mary Boland, the jankress, who lives on the second floor. Cunningham's wife, who lives with her mother, also informed the detectives that she heard Sopehseck speak to the man and recognized her husband's voice when the man said she had looking for his money. She also said she had left her husband because of his ill-treatment and as lately as last Sunday had refused to return to him.

The detectives lound Cunningham living with his brother at 1543 First avenue and arrested him. He declares that he is the victim of mistaken identity. husband and toth looked over the ralling. In

of mistaken identity. MENDED A MATTRESS; GOT A WATCH Itinerant Upholsterer Found Drunk Later

on the Proceeds. Thomas McDonald, an itinerant upholsterer from Hoboken, was employed yesterday afternoon by Mrs. Abby Brinson of 248 West Fortyfifth street to repair a mattress. McDonaid did the work and went away. Half an hour later Mrs. Brinson's daughter Mary, who had been shopping, returned home and her mother told her about the repairing of the mattress. "Oh, my," exclaimed the daughter. "Didn't you know I let' my gold watch and chain in that mattress? Suppose that man has stolen

Investigation showed that the watch was gone. The mother ran to the police and Detective Kammer hurried out to find the uphoisterer. He soon found that the man had pawned the watch for \$43 in Pracer's pawnshop, at 454 Ninth avenue, and had an hour after that found the man himself in a saloon at Forty-iith street and Ninth avenue drinking up the proceeds. When he reached the police cout he way so intoxicated that Magistrate Meade

Justice Lawrence of the Supreme Court has directed that George P. H. McVay be reinstated as statistician in the Bureau of Municipal Statistics. He was appointed temporarily when there was no eligible list. He was dis-missed on Aug. 10 last. Hie then took an ex-amination and was reappointed from the elig-ible list, but was dismissed again without charges in October. The Court makes no pro-vision for arrears of salary but leaves him to THE PHILIPPINE COMMISSION.

It Will Have Civil Control of the Islands and Organize Municipal Governments. WASHINGTON, April 4 .- Judge Taft, President of the new Philippine Commission, had a final conference to-day with President McKinley and Secretary Root. There is much speculation as to the Commission's instructions. A copy of the instructions was given to Judge Taft this afternoon at the White House, with the understanding that any change determined upon would be telegraphed to him at San Francisco before Commission's departure on the Hancock, April

15. The full text of the instructions will not be made public until after the departure of the Commission. President McKinley and Secretary Root have given eareful consideration to this subject and have agreed upon such directhis subject and have agreed upon such directions to the Commission as will enable them to take entire charge of the islands. The important leature of the instructions is the complete and almost unlimited authority given to the Commission will assume entire control of the affairs of the island, and will perform legislative, administrative and executive duties. They will formulate municipal, provincial and a general system of government, making such laws as they may consider necessary for the proper government of the Philippines. The Commission also has authority to dispose of the many civil problems which have arisen by reason of the Filipino insurrection. They will have authority to grant amnesty to the revolutionary natives and to take measures to place the island on a thoroughly peaceful footing, to attain which they will be empowered to hold conferences with the Filipino leaders. The religious question, involving the rights of the friars, will come under their jurisdiction, as will also all applications for inanchies and concessions.

With the arrival of the Philippine Commission in the islands Gen. Otis's work as an administrative officer will to some extent come to an end. He will remain in command of the military forces, but the direction of civil affairs will be transferred to the Commission, which will practically become a Board of Governors. The board will make its headquarters in Manila, and from Manila will issue orders for the establishment of civil governments. It is expected that the Commission will be occupied for several months in outlining its work. There are hundreds of applications now on file in the War Department for franchises or concessions, and the Commission will investigate each application and will have authority to reject or grant it.

The first steptaken by the Commission tions to the Commission as will enable them to

each application and will have authority to reject or grant it.

The first step taken by the Commission in the establishment of the government will be the organization of municipalities. In this direction Gen. Otis has already well advanced, and the Philippine Commission will continue the work, at the same time opening up schools and organizing courts. Many of the high court officials will be appointed by the commission, as will also the principal officials in the island. As far as possible natives will he appointed to office, and this rule will be closely followed in the establishment of the municipal and provincial governments. In the collections of customs revenue military officers will continue to act as customs officials.

WANT A NEW CABLE TO CUBA. Petition Received in the Senate From Citi-

zens of the Island. WASHINGTON, April 4 .- In the Senate this morning a petition was presented by Mr. Stew-art (Sil. Rep., Nev.) of Cuban citizens representing \$150,000,000 in property, urging Congress to enact a law prohibiting the United States from using the military power to prevent the landing of a competitive cable from the United States, and authorizing the laying of a ship cable.

Attention was called by Mr. Morgan (Dem. Ala.) to the rule requiring petitions from for-eign subjects to be presented only through the

State Department.

The President pro tem. (Mr. Frye) ruled that if the objection was made the petition could only be received through the State Depart-

"Surgeons Crosby and Shield, Volunteers: Acting Assistant Surgeons Long and Fogg; Capts. Hutchins and Krauthoff, Commissaries Volunteers: Major Adams, Eighteenth Infantry; Capts. O'Hara, Third Artillery; Van Dusen, Seventh Artillery; Anglum, Twelfth; Patten, Fourteenth, and Chase, Twenty-first Infantry; Lieuts, Haight, Fourth; Gignoux and Quinlan, Eleventh Cavairy; Knox, Seventh; Edwards, Fourteenth; Hobs, Seventeenth; Smith, Twenty-second; Knox, Twenty-second; Knox, Twenty-second; Knox, Twenty-seventh; Allen, Thirty-eighth; Dillon, Thirty-ninth; Beale, Forty-second; Vickers, Jr., Forty-ninth Infantry; Lieut, Stetson, Third Infanty; 109 military convicts, 39 soidiers' guard for convicts, 11 insane soldiers, 10 soldiers' guard for insane hospital corps men, 90 discharged soldiers and 100 sick soldiers. Casualties during voyage: Private William H. Merritt, Company E, Fourth Cavairy, died at sea 20th utilmo, chronic dysentery and general peritonitis. Seventy remains deceased soldiers." Acting Assistant Surgeons Long and Fogg:

Movements of Naval Vessels. WASHINGTON, April 4.-The cruiser Newark and the monitor Monadnock arrived at Manila from Hong Kong to-day. The Newark was

from Hong Kong to-day. The Newark was sent to Hong Kong to convoy the Monadnock to Manila, this being deemed advisable in view of the monitor's lew freeboard and the fact that she was not constructed to withstand heavy weather at sea.

The gunboat Vixen arrived at San Juan. Puerto Rico, yesterday. The gunboat Annapolis and the tug Standish sailed from Annapolis for Norfolk, and the flagship New York, the battleship Texas and the gunboat Machies sailed from Pensacola for Hamilton, Bermuda, to-day. The Texas will touch at Key West on her way to Bermuda.

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YOU BREATHE. IT CURES

Catarrh, Bronchitis, Consumption. IT IS GUARANTEED.

Ten minutes Four Times a Day will cure Catarrh, Bronchitis and Asthma. Ten Minutes Every Hour will cure Consumption and Pneumonia. Five Minutes at any Time will cure a

Cough. Hyomel is the only Germicide which can be inhaled. It can be used white at wors, in the church, at the theatre, or in street cars. Contains no poisonous compounds or dangerous Sold by all druggists or sent by mail. Complete Outfit, \$1.00. Trial Outfit, 25c.

THE THE PARTY OF T

QUAY CASE IN THE SENATE. SENATOR WOLCOTT OF COLORADO

URGES SPEEDY ACTION. He Says Quay Has Been Subjected to More Overwhelming and Disgraceful Attacks Than Any Man in Public Life for a Generation, and Has Survived Them All.

WASHINGTON, April 4.-At the conclusion of the routine morning business in the Senate the Quay case was taken up, the resolution reported by the Committee on Privileges and Elections being that Mr. Quay is not entitled to the seat.

Mr. Chundler (Rep., N. H.), chairman of the Committee on Privileges and Elections, moved to amend the resolution by striking out the word "not."

Mr. Burrows (Rep., Mich.), who reported against the admission of Mr. Quay, suggested that the matter should go over till Monday or Tuesday of next week, inasmuch as the committee had another matter requiring its atten-tion, the hearing of the arguments of counsel in the case of Senator Clark of Montana, and all the members of the committee should be present and hear those arguments.

Mr. Stewart opposed any further delay There was nothing, he said, in the way of disposing of the question at once. He appealed to the Senate not to "dodge so important a matter.

Mr. Chandler said that the fact that the Committee on Privileges and Elections had to listen to arguments on the Clark case this week should not interfere with the discussion of the Quay case. He asked whether Mr. Burrows was not prepared to speak to-day on the resolution.

Mr. Burrows said he was not, and that there were several Senators now absent who desired to speak on the resolution.

Mr. Chandler said he was willing to let th matter go over till to-morrow, but that it was desirable that Senators should be ready to speak at the earliest possible moment.

Mr. Daniel (Dem., Va.) argued in favor of the immediate consideration of the Quay resolu-

Mr. Wolcott (Rep., Col.) also favored speedy consideration and action. The Commonwealth of Pennsylvania with its seven millions of people—with quite as many intelligent citizens as there were savages and Tagals in the Philippines—was certainly entitled to the justice of having two Senators in the Benate of the United States, or at least to having a vote taken as to Quay's right to his seat. "It is not difficult," he said, "to understand whence the great opposition to Mr. Quay's omes. There is opposition to him, not always on Constitutional grounds, but on party, political and personal grounds. He has been subjected to more overwhelming and disgraceful attacks than anybody in public life for a generation, and he has survived them all; and it is cruel and wicked for this Senate, in which he served honorably tweive years, to give the final stab to his reputation and character."

As to the opposition of the newspapers, Mr. Wolcott intimated that it had its origin in the large advertisements of the Wanamaker business. That consideration, he was sorry to say, had been sufficient to overcome the love of fair play. As to the "courtesy of the Senate," he thought it was some times a very thin veneer. He illustrated the Senate's treatment of Mr. Quay by the case of a pack of woives stopping to devour one of themselves who had been wounded by the way and then following the quarry. He appealed to Senators to let Mr. Quay have at least a vote on the question.

Mr. Gallinger (Rep., N. H.) said that so far as he knew there had been no disposition whatever to delay unduly the consideration of the Quay resolution.

After further discussion the Quay case went over till to-morrow after the routine morning business.

Mr. Lodge (Rep., Mass.) said that he would move at 2 o'clock to take up the Philippina of Pennsylvania with its seven millions of

if the objection was made the petition could only be received through the State Department.

Mr. Morgan—I don't object. The people of Cuba hold a relation to us which cannot be absoived without an act of Congress.

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Mr. Morgan—I don't object. The people of Cuba hold a relation of the Chair is called to the rule the attention of the Chair is called to the rule the petition ought not to be received in this way. It is easy to have it presented through the State Department.

Mr. Morgan—I do not believe the objection a good one. I believe that the people of Cuba are subject to our authority. We are ruling over them by the law of military power, and we cannot get rid of them until we give them independence, sovereignty and autonomy. They have a right to petition Congress, and are not on the footing of subjects of a foreign country. No formal objection being made, the petition was received and referred.

TRANSPORT FROM MANILA.

She Brings 100 Military Convicts, 11 Insane and 90 Discharged Soldiers.

Washinoton, April 4.—Gen, Shafter telegraphed the War Department to-day from San Francisco announcing the arrival of the transport Sheridan from Manila and naming the officers on board as follows:

"Surgeons Crosby and Shield, Volunteers:

"Surgeons Crosby and Shield, Volunteers:

After further discussion the Quay case went outsiles. Mr. Lodge (Rep., Mass.) said that he would business.

Mr. Lodge (Rep., Mass.) said that he would her brillippines and colock to take up the Philippine bill, and said that he had not the remotest intention of using that bill. When it became the unfinished business, to interfere with the continuous consideration of the Quay case, or with the state Department to the rule unfinished business.

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n an amicable arrangement by which the Spooner Philippines resolution shall be discussed the Quay case yielding the right of way. There is an agreement "on the side" that there shall be no factious opposition to a final vote on the question of seating Mr. Quay. After a reasonable amount of debate a vote will be taken and Mr. Quay seated.

HOW CAPT. SMITH WAS KILLED. Fired Upon From a Cluster of Nipa Hots Which He Was Approaching.

WASHINGTON, April 4 .- Adjutant-General Corbin made public to-day two letters giving the details of the killing of Capt. Edmund D. Smith of the Nineteenth Infantry by Filipino insurgents at Sogod, Luzon, Feb. 4. Major J. G. Leafe in a letter to Capt. Smith's widowexplains that during the operations about Sogod eight men of Capt. Smith's command strayed away, and on the morning of Feb. 4 he took thirty-one men and went in search of the missing. In the afternoon they came upon a collection of nips buts. The column was halted about three hundred yards from the huts and Capt. Smith and three men walked toward them. They were within one hundred yards of the huts when a heavy fire burst from them. Capt. Smith received two bullets in the abdomen. Major Leafe says: "He did not fall, but heroically bade Private Gideon, who was close to him, to engage the insurgents, sixteen in number, and then went back calling upon the rest of the command to come up and open fire, which they did, driving off the enemy."

Corporal Benjamin Foulis in, a letter to his mother gives a more detailed account. He says: "Just before dark Capt. Smith took five men with him and went to a lot of huts to see if they would do for shelter. As he moved along he left a man every little while to keep us in sight. By the time he had arrived within two hundred yards of the huts he had only one man with him, and he was a lanky Dutchman whom we never could drill anything into. They were fired on, and when the captain said he was hit this Dutchman turned around and alone stood this band of insurgents off until we could reach him. He had got bebind an old stump and was banging away at every head he could see. We kept up a fire for ten minutes and then charged. The insurgents fied, and in one hut we found an American soldier a prisoner, He said he had been a prisoner for over five months. Almost the insurgents office, Smith said were that Private Gideon should be recommended for a medal of honor. about three hundred yards from the huts and

Army and Navy Orders.

Washington, April 4.—These army orders Were issued to-day;
First Lieuts, W. W. Ballard, Jr., and John O. Steger, Puerto Rican regiment, recently appointed, ordered to Governors Island.
Major Willard S. H. Matthews, Surgeon, from San
Francisco to St. Paul as Attending Surgeon and Examiner of regulity. Francisco to St. Paul as Attending Surgeon and Ex-aminer of recruits.

Lieut.-Col. John. Simpson. Deputy Quartermaster-General, from further duly at Atlanta and to San An-tonio as Chief Quartermaster of Department of Texas, relieving Major Charles B. Thompson, Quartermas-Capt. Ralph Ingalls, Assistant Commissary of Sub-sistence, from San Francisco to Manila.

First Lieut. Walter A. Bethel, Third Artillery, de-tailed as Acting Judge Advocate of the Department of Alaska and ordered from Fort Stevens to Scattle. Second Lieut. Danlet Van Voornis, Third Cavalry, from Fort Myer to San Francisco.

First Lieut. Matthew A. Batson, Fourth Cavalry, from this city to San Francisco.

These paval orders have been issued: Passed Assistant Surgeon W. F. Arnold from the Naval Hospital, Norfolk, and leave granted three Passed Assistant Surgeon G. D. Costigan from the Nava: Hospital, Chebon Mass. to Navy Yard. Baston, Assistant Surgeon D. N. Carpenter from the Navy Vaid, hoston, to Naval Hospital, Chebaca.

Lieutenant Commander C. E. Viceland to duty as a member of the Board of Inspection and Survey.

Commander G. A. Bickhell, from the command of Monocacy on reporting of relief, and proceed to Marc Island. Cel. Island, Cal.
Commander F. M. Wise, from the command of the
Enterprise, on reporting of relief, and to Asiatic Station for command of the Monocacy, sailing from San Lieut, C. N. Offley, from the lowa, upon her arrival at San Francisco, to the Marbienead.
Lieut C. B. Brittain, to duty on the Jowa.
Lieutenant Commander E. M. Hughes, from the
Navy Yard, Boston, to command of the Enterprise,

Navy Vard. Boston, to command of the Enterprise, same date.
Frank C. Lander has been appointed a Second Lieutenant in the Marine Corps. "If You See It in 'The Sun.' It's So." Send for five days' treatment free.

THE R. T. BOOTH CO., Ithaca, N. Y. of a new or editorial statement."—Ade, This is usually as true of an advertisement as

A Triumph of Science.

Reader, do you know what real cocoa is? To economical housewives, and wide awake people generally, the best cocoa and that of Van Houten are synonymous terms. The cocoa manufactured by that well-known firm is a preparation from the very best cocoa beau, and contains all the valuable nutritive and stimulating properties natural to cocoa. The cocoa-bean contains an alkaloid called "Theobromine," which is the principle of

"the cup that cheers, but does not inebriate,"

The great point of difference between the stimulating prop-erties of alcohol, and that of theobromine is, that the use of the former causes a subsequent depression, which is proportional to the amount of stimulation it has previously brought about; the use of the latter (theobromine) is unattended by such unpleasant aftereffects. Of course, only a first class cocoa, such as Van Houten's will work in the aforesaid manner. That cocoa has been described as "A triumph of science!" It is absolutely pure, entirely soluble, costs but a trifle, being less than one cent per cup; and it is the simplest drink to make ready of the whole catalogue of possible beverages. It smells so good, and tastes so delicious, that when you try it you will certainly exclaim: "Ah! indeed, it is a triumph of science!" and easy of assimilation and digestion by the weakest stomach. It

> HAVE YOU TRIED VAN HOUTEN'S Eating CHOCOLATE?

MENTUCKY SITUATION DISCUSSED. Lively Colloquy in the House Between Two of the State's Bepresentatives.

WASHINGTON, April 4.- Immediately after the reading of the Journal, the House to-day went into Committee of the Whole, nominally to further consider the bill to provide a form of government for the territory of Hawaii. The first speaker was Mr. McDowell (Dem., Ohio) who denounced the Government bill proposed by the committee which visited the island in 1898 as the most villainous proposition ever offered in Congress. Comparing the peoples of Puerto Rico and Hawait, Mr. McDowell said that the former were much superior to the latter and promised to make better citizens. Mr. De Armond (Dem., Mo.) followed with a criticism of what he called the new doctrine

that the Constitution did not of its own force and vigor extend to new possessions. Mr. Boreing (Rep., Ky.) devoted a portion of his time to a presentation of the political conditions in his State. The people, he said, wanted to get rid of the Goebel Election law, and to do this would permit a tariff upon her products if the internal revenue taxes paid by it were returned to it. Replying to a question by Mr. Lacey (Rep., Ia.), Mr. Boring said that a Goebel law could exist only in revolution or anarchy. If the State could not get rid of this law, he would ask Congress to pass a Federal Election law so that the United States Courts could determine the fairness of the elections in the States.

Mr. Wheeler (Dem., Ky.) said that he felt the shame attaching to the present unfortunate conditions in Kentucky. But no one knew better than himself, unless it were the Representative from the Eleventh district (Mr. Boreing) what element of citizenship had brought the present afflictions upon the State. He said that Mr. Boreing did not represent 5 per cent. of his own constituency in making the statement that they accept the internal

per cent. of his own constituency in making the statement that they accept the internal revenue receipts of the State under any conditions.

Continuing, Mr. Wheeler criticised Mr. Boreing for his attacks upon the Goebel law, asking him what excuse he could offer for opposing a law which had been declared constitutional by the highest court in the State, composed of Democrats and Republicans alike. He asked permission to insert in his remarks a copy of the law, which, he said, had been grossly maligned and misrepresented, to show the country that it was similar to the election laws of half a dozen other States.

Mr. Pugh (Rep., Kr.) asked Mr. Wheeler if the assassins of Goebel could not be traced to his own party, as the opposition to him had been more violent on the part of his political associates than by Republicans. Mr. Wheeler said no one believes that.

Mr. Wheeler reviewed the circumstances in the Kentucky situation since the date of election up to the time of Goebel's assassination.

Who fired that shot," he added, "we have no means of knowing except from the confessions of three Republicans that they were deep in the dreadful crime."

Continuing, he said that the question of the election was now in the court of highest resort in the State. When its decision was angounced, every Democrat would obey it, whether it were favorable or adverse. They were a law-abiding people and had been controlled by the law in all their actions. To be fair to his colleagues, Mr. Wheeler said he desired to assert his belief that the Republican party of Kentucky was not responsible for the assassination of William Goebel. "If it were," he said, I would leave the State, for some of the best friends I have are Republicans." In conclusion he paid a glowing tribute to Goebel, and added that the law bearing his name would stay on the statute books of the State as a permanent and enduring monument to her knightly son who fell by the hand of the assassin.

Mr. Sulzer (Dem., N. Y.) favored the passage of the Hawaii, he favored the an

was satisfied now that twas a good thing to have done.

The Committee then rose. The Puerto Rican bill was transmitted from the Senate and re-terred to the Committee on Ways and Means. No request or motion to retain it on the Speak-er's desk was made.

Army Nominations.

WASHINGTON, April 4 .- The President to day sent the following nominations to the Benate:

To be Major: First Lieut, Matthew A. Batson, Fourth Cavairy; to be Assistant Surgeon, Maxwell S. Simpson of New Jersey, Asting Assistant Sur-S. Simpson of New Jersey, Acting Assistant Surgeon.

To be Captains: First Lieut, Joseph C. Castner, Fourth Infantry: First Lieut, William C. Geiger, Fourteenth Infantry: Second Lieut, James N. Munro, Fourth Cavairy, and First Lieut, Francis H. Cameron, Jr., Thirty-fith Infantry.

To be First Lieutenants: Second Lieut, David H. Biddle, Thirty-stath Infantry: Second Lieut, David H. Biddle, Thirty-stath Infantry: Corporal James Conway, Troop L. Fourth Cavairy: Clarence C. Cuiver of Nebraska.

Capt. Silas W. Terry, to be a Rear Admiral.

Board of Visitors to West Point.

WASHINGTON, April 4.—The President to-day appointed the following Board of Visitors to the West Point Military Academy: Gen. Charles F. Manderson of Nebraska. Gen. Anson G. McCook of New York, Abraham Charles Kaufman of South Carolina, Col. William C. Church of New York, the Rev. Henry M. Curtis, D. D., of Ohio, Prof. David F. Houston of Texas and Dudley Evans of New Jersey. EASTER WEDDINGS.

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In addition to our Sterling Silver Tableware we are now selling at greatly reduced prices; we have many more elaborate pieces which, on account of their artistic design and durable weight, make very appropriate wedding gifts, Bonbon trays, \$3.75 to \$10.00.
Siz individual butter plates, \$9.00 to \$12.00.
Bread Trays, \$17.50 to \$35.00.
Salad Bowis, \$17.50 to \$40.00.
Five-piece Tea Sets, \$80.00 to \$135.00.

A. Frankfield & Co.

52 WEST 14TH STREET.

Belching Heartburn and Indigestion

Quickly Stopped by

JOHNSON'S DIGESTIVE TABLETS

CARPET CLEANSING. 826 7th Av., Near 28th 8th Esth, 1868. Tel, 1182 88th 8t. Send for Circular.

He Made the Same Mistake as Senator Clay in Voting on the Puerto Rico Bill. made to blush yesterday and probably for the first time in his life, at least in public. His seat is on the Democratic side of the Senate chamber, because he is a newcomer and there is not room for all the Republicans on the other side When the final vote was taken on the passage of the Puerto Rican bill Senator Clay, who sits just behind Mr. Depew inadvertently voted "aye." Mr. Depew instantly turned to Mr. Clay to crack a joke at his expense when his own name was called. Facing about suddenly he shouted "No." to the great amusement of the Senate and the galleries, and everybody laughed. Senator Depew's face grew as red as an Senator Depew's face grew as red as an American beauty rose, and he wriggled about in his chair, rubbed his baid head and gave every indication of intense embarrassment. Then feeling that something was due from him, he jumped from his seat and shouted with a characteristic gesture: "Association, Mr. President, association." Then, in great contusion he sat down, as Mr. Bacon straightened the matter out by moving with mock solemnity that "the Senator from Georgia and the Senator from New York be allowed to change their votes."

Washington Notes.

Washington, April 4.—Charles M. Pepper announced this morning that he had declined the proferred appointment as Secretary of the Philippine Commission. Senator Davis, chairman of the Committee on Foreign Relations, gave notice to-day that he would to-morrow at an early hour as practicable move to take up the Hay-Paunceforts treaty for consideration in executive session.

Two Duck Hunters Drowned.

BINGHAMTON, N. Y., April 4.-Carleton Morey. Irwin VanNoy and Peter Miner of Lestershire. a suburb of this city, started duck shooting vesterday afternoon in a flat-bottom duck oat. They rowed down the Susquehanna, boat. They rowed down the Susquehanna, which was quite high, and had reached a point mear East Union, when the boat suddenly capsized. Morey and VanNoy wore rubber boots, which hampered their actions, and they were drowned. Miner kicked off his shoes and swam toward an island. He shouted for help and a farmer heard his cries and he was taken ashore. Carleton Morey was 20 years of age and one week ago was married to Miss Cora Strong. Irwin VanNoy was 14 years old and a student. The bodies have not been recovered.

More Land for Brooklyn Navy Yard. Officials of the Navy Yard in Brooklyn all approve of the proposition of Rear Admiral Endleott, Chief of the Bureau of Yards and Docks, that the Government should purchase by condemnation privileges the triangular tract of land between Little street, Hudson avenue, the East River and the Navy Yard. The property extends over four blocks and is covered with tenement houses and small factories. It would add several hundred feet of water front to the yard.

The New Sweet Biscuit

ing, at your caterer's, at your grocer's. The new Veronese Biscuit are on most all wellregulated tables. Superior to the finest European baking; America's best efforts. In large or small packages - a package that keeps them always fresh and crisp.

The latest, great-

est development

in biscuit bak-

Veronese Biscuit